

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**JENNESTER CULP**  
**A.K.A. JENNESTER URSALENE CULP**  
**591 Canterbury Circle**  
**Vacaville, CA 95687**

**Registered Nurse License No. 433697**  
**Public Health Nurse Certificate No. 81542**

Respondent

Case No. 2013-187

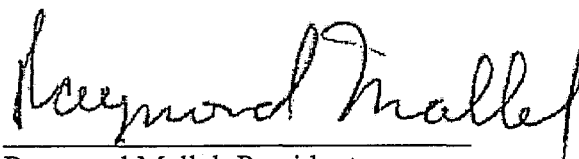
OAH No. 2012100095

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **March 15, 2013.**

IT IS SO ORDERED **February 15, 2013.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 KIM M. SETTLES  
Deputy Attorney General  
4 State Bar No. 116945  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2138  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-187

12 **JENNESTER CULP, aka JENNESTER**  
13 **URSALENE CULP**  
14 **591 Canterbury Circle**  
**Vacaville, CA 95687**

OAH No. 2012100095

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

15 **Registered Nurse License No. 433697**

16 **Public Health Nurse Certificate No. 81542**

17 **Respondent.**

18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
22 Registered Nursing. She brought this action solely in her official capacity and is represented in  
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Kim M. Settles,  
24 Deputy Attorney General.

25 2. Respondent Jennerster Culp, aka Jennerster Ursalene Culp (Respondent) is representing  
26 herself in this proceeding and has chosen not to exercise her right to be represented by counsel.  
27  
28

1           3.     On or about October 31, 1988, the Board of Registered Nursing issued Registered  
2 Nurse License No. 433697 to Jennester Culp, aka Jennester Ursalene Culp (Respondent). The  
3 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
4 in Accusation No. 2013-187 and will expire on August 31, 2014, unless renewed.

5           4.     On or about November 5, 2011, the Board of Registered Nursing issued Public Health  
6 Nurse Certificate No. 81542 to Jennester Culp, aka Jennester Ursalene Culp. The Public Health  
7 Nurse Certificate was in full force and effect at all times relevant to the charges brought in this  
8 Accusation and will expire on August 31, 2014.

9                                   **JURISDICTION**

10          5.     Accusation No. 2013-187 was filed before the Board of Registered Nursing (Board),  
11 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
12 and all other statutorily required documents were properly served on Respondent on September  
13 13, 2012. Respondent timely filed her Notice of Defense contesting the Accusation.

14          6.     A copy of Accusation No. 2013-187 is attached as exhibit A and incorporated by  
15 reference.

16                                   **ADVISEMENT AND WAIVERS**

17          7.     Respondent has carefully read, and understands the charges and allegations in  
18 Accusation No. 2013-187. Respondent has also carefully read, and understands the effects of this  
19 Stipulated Settlement and Disciplinary Order.

20          8.     Respondent is fully aware of her legal rights in this matter, including the right to a  
21 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
22 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
23 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
24 compel the attendance of witnesses and the production of documents; the right to reconsideration  
25 and court review of an adverse decision; and all other rights accorded by the California  
26 Administrative Procedure Act and other applicable laws.

27          9.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
28 every right set forth above.

1 CULPABILITY

2 10 Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 2013-187.

4 11. Respondent agrees that her Registered Nurse License is subject to discipline and she  
5 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.  
6

7 CONTINGENCY

8 12. This stipulation shall be subject to approval by the Board of Registered Nursing.  
9 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
10 Registered Nursing may communicate directly with the Board regarding this stipulation and  
11 settlement, without notice to or participation by Respondent. By signing the stipulation,  
12 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind  
13 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
14 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
15 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
16 between the parties, and the Board shall not be disqualified from further action by having  
17 considered this matter.

18 13. The parties understand and agree that facsimile copies of this Stipulated Settlement  
19 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
20 effect as the originals.

21 14. This Stipulated Settlement and Disciplinary Order are intended by the parties to be an  
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
24 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
25 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
26 writing executed by an authorized representative of each of the parties.  
27  
28

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 433697 and Public Health Nurse Certificate No. 81542 issued to Respondent Jennester Culp, aka Jennester Ursalene Culp (Respondent) are revoked. However, the revocations are stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

**Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

1        Upon successful completion of probation, Respondent's license shall be fully restored.

2        3.    **Report in Person.** Respondent, during the period of probation, shall appear in  
3    person at interviews/meetings as directed by the Board or its designated representatives.

4        4.    **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
5    practice as a registered nurse outside of California shall not apply toward a reduction of this  
6    probation time period. Respondent's probation is tolled, if and when she resides outside of  
7    California. Respondent must provide written notice to the Board within 15 days of any change of  
8    residency or practice outside the state, and within 30 days prior to re-establishing residency or  
9    returning to practice in this state.

10       Respondent shall provide a list of all states and territories where she has ever been licensed  
11    as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
12    information regarding the status of each license and any changes in such license status during the  
13    term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
14    license during the term of probation.

15       5.    **Submit Written Reports.** Respondent, during the period of probation, shall submit  
16    or cause to be submitted such written reports/declarations and verification of actions under  
17    penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
18    relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
19    Respondent shall immediately execute all release of information forms as may be required by the  
20    Board or its representatives.

21       Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
22    state and territory in which she has a registered nurse license.

23       6.    **Function as a Registered Nurse.** Respondent, during the period of probation, shall  
24    engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
25    6 consecutive months or as determined by the Board.

26       For purposes of compliance with the section, "engage in the practice of registered nursing"  
27    may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
28    non-direct patient care position that requires licensure as a registered nurse.

1 The Board may require that advanced practice nurses engage in advanced practice nursing  
2 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

3 If Respondent has not complied with this condition during the probationary term, and  
4 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
5 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
6 extension of Respondent's probation period up to one year without further hearing in order to  
7 comply with this condition. During the one year extension, all original conditions of probation  
8 shall apply.

9 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
10 prior approval from the Board before commencing or continuing any employment, paid or  
11 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
12 performance evaluations and other employment related reports as a registered nurse upon request  
13 of the Board.

14 Respondent shall provide a copy of this Decision to her employer and immediate  
15 supervisors prior to commencement of any nursing or other health care related employment.

16 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
17 (72) hours after she obtains any nursing or other health care related employment. Respondent  
18 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
19 separated, regardless of cause, from any nursing, or other health care related employment with a  
20 full explanation of the circumstances surrounding the termination or separation.

21 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
22 Respondent's level of supervision and/or collaboration before commencing or continuing any  
23 employment as a registered nurse, or education and training that includes patient care.

24 Respondent shall practice only under the direct supervision of a registered nurse in good  
25 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
26 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
27 approved.

28 Respondent's level of supervision and/or collaboration may include, but is not limited to the

1 following:

2 (a) Maximum - The individual providing supervision and/or collaboration is present in  
3 the patient care area or in any other work setting at all times.

4 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
5 care unit or in any other work setting at least half the hours Respondent works.

6 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
7 person communication with Respondent at least twice during each shift worked.

8 (d) Home Health Care - If Respondent is approved to work in the home health care  
9 setting, the individual providing supervision and/or collaboration shall have person-to-person  
10 communication with Respondent as required by the Board each work day. Respondent shall  
11 maintain telephone or other telecommunication contact with the individual providing supervision  
12 and/or collaboration as required by the Board during each work day. The individual providing  
13 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
14 patients' homes visited by Respondent with or without Respondent present.

15 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
16 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
17 or for an in-house nursing pool.

18 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
19 registered nursing supervision and other protections for home visits have been approved by the  
20 Board. Respondent shall not work in any other registered nursing occupation where home visits  
21 are required.

22 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
23 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
24 and/or unlicensed assistive personnel on a case-by-case basis.

25 Respondent shall not work as a faculty member in an approved school of nursing or as an  
26 instructor in a Board approved continuing education program.

27 Respondent shall work only on a regularly assigned, identified and predetermined  
28 worksite(s) and shall not work in a float capacity.



1 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
2 request documentation to determine whether there should be restrictions on the hours of work.

3 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and  
4 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
5 months prior to the end of her probationary term.

6 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
7 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
8 above required course(s). The Board shall return the original documents to Respondent after  
9 photocopying them for its records.

10 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
11 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
12 amount of \$2,222.50. Respondent shall be permitted to pay these costs in a payment plan  
13 approved by the Board, with payments to be completed no later than three months prior to the end  
14 of the probation term.

15 If Respondent has not complied with this condition during the probationary term, and  
16 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
17 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
18 extension of Respondent's probation period up to one year without further hearing in order to  
19 comply with this condition. During the one year extension, all original conditions of probation  
20 will apply.

21 12. **Violation of Probation.** If Respondent violates the conditions of her probation, the  
22 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
23 and impose the stayed discipline (revocation/suspension) of Respondent's license.

24 If during the period of probation, an accusation or petition to revoke probation has been  
25 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
26 an accusation or petition to revoke probation against Respondent's license, the probationary  
27 period shall automatically be extended and shall not expire until the accusation or petition has  
28 been acted upon by the Board.

1       13.   **License Surrender.** During Respondent's term of probation, if she ceases practicing  
2 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
3 Respondent may surrender her license to the Board. The Board reserves the right to evaluate  
4 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
5 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
6 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
7 subject to the conditions of probation.

8       Surrender of Respondent's license shall be considered a disciplinary action and shall  
9 become a part of Respondent's license history with the Board. A registered nurse whose license  
10 has been surrendered may petition the Board for reinstatement no sooner than the following  
11 minimum periods from the effective date of the disciplinary decision:

12       (1)   Two years for reinstatement of a license that was surrendered for any reason other  
13 than a mental or physical illness; or

14       (2)   One year for a license surrendered for a mental or physical illness.

15       14.   **Physical Examination.** Within 45 days of the effective date of this Decision,  
16 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician  
17 assistant, who is approved by the Board before the assessment is performed, submit an  
18 assessment of the Respondent's physical condition and capability to perform the duties of a  
19 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
20 medically determined, a recommended treatment program will be instituted and followed by the  
21 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
22 to the Board on forms provided by the Board.

23       If Respondent is determined to be unable to practice safely as a registered nurse, the  
24 licensed physician, nurse practitioner, or physician assistant making this determination shall  
25 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
26 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
27 immediately cease practice and shall not resume practice until notified by the Board. During this  
28 period of suspension, Respondent shall not engage in any practice for which a license issued by

1 the Board is required until the Board has notified Respondent that a medical determination  
2 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
3 of this probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
5 requirement, Respondent shall immediately cease practice and shall not resume practice until  
6 notified by the Board. This period of suspension will not apply to the reduction of this  
7 probationary time period. The Board may waive or postpone this suspension only if significant,  
8 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
9 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
10 Only one such waiver or extension may be permitted.

11 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

12 Respondent, at her expense, shall successfully complete during the probationary period or shall  
13 have successfully completed prior to commencement of probation a Board-approved  
14 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
15 submitted by the program on forms provided by the Board. If Respondent has not completed a  
16 Board-approved treatment/rehabilitation program prior to commencement of probation,  
17 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
18 If a program is not successfully completed within the first nine months of probation, the Board  
19 shall consider Respondent in violation of probation.

20 Based on Board recommendation, each week Respondent shall be required to attend at least  
21 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
22 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
23 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
24 added. Respondent shall submit dated and signed documentation confirming such attendance to  
25 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
26 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
27 and/or other ongoing recovery groups.

28 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall

1 completely abstain from the possession, injection or consumption by any route of all controlled  
2 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same  
3 are ordered by a health care professional legally authorized to do so as part of documented  
4 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
5 days, by the prescribing health professional, a report identifying the medication, dosage, the date  
6 the medication was prescribed, the Respondent's prognosis, the date the medication will no  
7 longer be required, and the effect on the recovery plan, if appropriate.

8 Respondent shall identify for the Board a single physician, nurse practitioner or physician  
9 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
10 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
11 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
12 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
13 considered addictive have been prescribed, the report shall identify a program for the time limited  
14 use of any such substances.

15 The Board may require the single coordinating physician, nurse practitioner, or physician  
16 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
17 medicine.

18 **17. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a  
19 random, biological fluid testing or a drug screening program which the Board approves. The  
20 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
21 for keeping the Board informed of Respondent's current telephone number at all times.  
22 Respondent shall also ensure that messages may be left at the telephone number when she is not  
23 available and ensure that reports are submitted directly by the testing agency to the Board, as  
24 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
25 program and Respondent shall be considered in violation of probation.

26 In addition, Respondent, at any time during the period of probation, shall fully cooperate  
27 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
28 samples as the Board or its representatives may require for the detection of alcohol, narcotics,

1 hypnotics, dangerous drugs, or other controlled substances.

2 If Respondent has a positive drug screen for any substance not legally authorized and not  
3 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
4 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
5 practice pending the final decision on the petition to revoke probation or the accusation. This  
6 period of suspension will not apply to the reduction of this probationary time period.

7 If Respondent fails to participate in a random, biological fluid testing or drug screening  
8 program within the specified time frame, Respondent shall immediately cease practice and shall  
9 not resume practice until notified by the Board. After taking into account documented evidence  
10 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
11 suspend Respondent from practice pending the final decision on the petition to revoke probation  
12 or the accusation. This period of suspension will not apply to the reduction of this probationary  
13 time period.

14 **18. Mental Health Examination.** Respondent shall, within 45 days of the effective date  
15 of this Decision, have a mental health examination including psychological testing as appropriate  
16 to determine her capability to perform the duties of a registered nurse. The examination will be  
17 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
18 the Board. The examining mental health practitioner will submit a written report of that  
19 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
20 Recommendations for treatment, therapy or counseling made as a result of the mental health  
21 examination will be instituted and followed by Respondent.

22 If Respondent is determined to be unable to practice safely as a registered nurse, the  
23 licensed mental health care practitioner making this determination shall immediately notify the  
24 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
25 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
26 practice and may not resume practice until notified by the Board. During this period of  
27 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
28 is required, until the Board has notified Respondent that a mental health determination permits.

Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

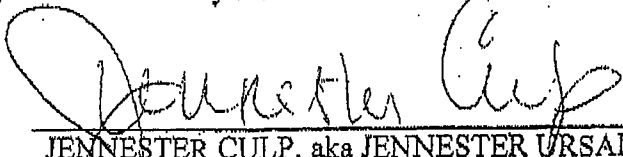
If Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

#### ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License and Public Health Nurse Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 10/12/12

  
JENNESTER CULP, aka JENNESTER URSALINE  
CULP  
Respondent

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order are hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 10/16/12

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General

*Kim M. Settles*  
KIM M. SETTLES  
Deputy Attorney General  
*Attorneys for Complainant*

SF2012900851  
90265966.doc

**Exhibit A**

**Accusation No. 2013-187**



1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 KIM M. SETTLES  
Deputy Attorney General  
4 State Bar No. 116945  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2138  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2013-187**

12 **JENNESTER CULP, aka JENNESTER**  
13 **URSALENE CULP**  
14 **591 Canterbury Circle**  
**Vacaville, CA 95687**

**A C C U S A T I O N**

15 **Registered Nurse License No. 433697**  
16 **Public Health Nurse Certificate No. 81542**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about October 31, 1988, the Board of Registered Nursing issued Registered  
24 Nurse License Number 433697 to Jennester Culp, aka Jennester Ursalene Culp (Respondent).  
25 The Registered Nurse License was in full force and effect at all times relevant to the charges  
26 brought in this Accusation and will expire on August 31, 2014, unless renewed.

27 ///



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

...

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof."

9. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

10. California Code of Regulations, title 16, section 1444 states, in pertinent part, that a conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

#### **COST RECOVERY**

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### **FIRST CAUSE FOR DISCIPLINE**

##### **(Conviction of Crimes)**

12. Respondent has subjected her license to disciplinary action under sections 2761, subdivision (f), and 490, in that she was convicted of the following crimes that are substantially related to the qualifications, functions, and duties of a registered nurse:

1           A.    On or about June 13, 2005, in Contra Costa County Superior Court, Case No. 2-  
2 281598-3, entitled *People v. Jennester Culp*, Respondent was convicted by the court on her plea  
3 of no contest of violating Vehicle Code section 232152, subdivision (b) (driving with a blood  
4 alcohol content of .08% or higher) and Penal Code section 529 (false personation).

5           The circumstances of the crime are that on or about January 5, 2004, Respondent drove a  
6 vehicle while under the influence of alcohol and falsely impersonated another during her arrest.  
7 A breath test revealed that Respondent had a blood alcohol content of .22%. Respondent was  
8 sentenced to one year in jail, three years probation, required to pay fines and restitution, and  
9 attend a Drinking Driver Program.

10           B.   On or about May 8, 2001, in Contra Costa Superior Court, Respondent was  
11 convicted by the court of violating Vehicle Code section 23152, subdivision (b) (driving with a  
12 blood alcohol content of .08% or higher). Respondent was sentenced to seventy-five days in jail  
13 and three years probation.

14           C.   On or about May 3, 2001, in Alameda County Superior Court, Case No. 96903,  
15 entitled *People v. Culp, Jennester Ursulena*, Respondent was convicted by the court on her plea  
16 of nolo contendere of violating Vehicle Code section 23152, subdivision (b) (driving with a blood  
17 alcohol content of .08% or higher).

18           The circumstances of the crime are that on or about December 22, 2000, Respondent  
19 drove a vehicle while under the influence of alcohol. A blood test revealed that Respondent had a  
20 blood alcohol content of .28%, more than three times the legal limit. Respondent was sentenced  
21 to 20 days in jail and three years probation.

22           D.   On or about July 1, 1997, in Alameda County Superior Court, Case No.  
23 424402, entitled *People v. Jennester Culp*, Respondent was convicted of a violation of Vehicle  
24 Code section 23152, subdivision (b) (driving with a blood alcohol content of .08% or higher).

25 ///

26 ///

27 ///

28 ///

